



Malcolm Macpherson

Partner

Indigenous Law
General Business Law
Commercial Real Estate Law
Energy & Natural Resources

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Profile

Malcolm is the Chair of the firm's Indigenous Law practice group. Born and raised in Vancouver, Malcolm is a proud descendant of French Metis heritage and the Mi'kmaq people of Gaspé, Quebec.

Over the course of the past 20 years, Malcolm has acted for Indigenous governments and business people, their corporate entities, and those industries and businesses that operate in Indigenous lands and territories in Western Canada. He is a trusted advisor to firm clients, bringing a team approach to problem-solving. This has involved both solicitor work and strategic litigation. Known for his ability to see the big picture and anticipate outcomes of proposed legal and business strategies, Malcolm brings significant pragmatic expertise and value to his clients. He cares deeply about his clients' success and is as tenacious as they come with respect to achieving their goals.

During this time Malcolm has become adept at navigating the challenging waters where Indigenous rights and business aspirations intersect with resource development. Throughout his career, he has developed valuable personal and business connections with many Indigenous nations and business sector leaders who operate in Western Canada. He is skilled at negotiation, having previously spent seven years as a lead negotiator for Canada's largest natural gas utility by volume.

Work Highlights

Tsawwassen Fee Simple Interest Lands - 120 Acre Residential Development

- > 120 acre land assembly and sale to Onni Group
- > Development of approximately one thousand units, representing 1.36-million square feet of product built out
- > Build out value estimated at approximately \$600-million
- > Lead transaction from term sheet to definitive agreement for Tsawwassen First Nation member clients

McLeod Lake Indian Band

- > Negotiated the Impact Benefit Agreement for McLeod Lake Indian Band in respect of the Peace Region Electricity Supply Project, commenced in 2013

Black Swan Energy Ltd.

- > Impact and Benefits Agreement work and negotiations
- > Negotiation strategy and implementation
- > Conflict resolution

Additional work highlights below

Malcolm has extensive experience working with clients on large-scale economic development of reserve lands, land sales, additions to reserves, land management, energy projects, forestry, carbon/conservation, business ventures, negotiations, and government-to-government dialogue and diplomacy.

Services

- > Community-based Aboriginal business ventures (buy/sell, joint ventures, management agreements, partnerships, and strategic alliances)
- > Financing arrangements (opinions and transactions for First Nations, individuals, and businesses)
- > First Nations land development (leasing, financing, and structuring developments)
- > Litigation and negotiation between Aboriginal groups and government bodies
- > Consultation and Accommodation (opinions, negotiations, referral response support, drafting C&A policies and agreements)
- > Aboriginal and Treaty Rights (opinions, negotiations, and agreements)
- > Impact Benefit Agreements
- > Environmental law and Regulatory Management
- > Resource development (forestry, mining, energy, construction, oil & gas, and tourism)
- > Tax (opinions for structuring transactions and business entities)
- > First Nations governance (self-government agreements, land codes, internal governance laws, treaty implementation legislation and regulation, municipal services agreements, tax revenue sharing, and taxation regimes)
- > Aboriginal wealth management (trusts, foundations, and advisory services)

From the outset, Malcolm has focused on leading meaningful social and economic transformation for Indigenous bands and nations. He holds the utmost respect for Aboriginal and treaty rights as well as the litigation and social movements that have transformed them. Malcolm understands that regaining control over resources, lands, and laws is the most effective and efficient method to address reconciliation and foster happy, healthy, and thriving Indigenous communities.

Credentials

Industry Involvement

- > Member, Law Society of BC
- > Director, Malaysia Canada Business Council (BC)

Community Commitments

- > Member, British Columbia Metis Federation

Education & Call to Bar

- > Call to Bar: Saskatchewan, 2022
- > Call to Bar: Alberta, 2022
- > Call to Bar: British Columbia, 2003
- > Juris Doctor, Faculty of Law, University of Toronto, 2002

Presentations

- > Aboriginal Lawyers Forum's 8th Annual Retreat, Canadian Bar Association - British Columbia Branch (CLABC), June 2019, Topic: "Perspectives on Resource Development"

Additional Language(s)

- > French

Additional Work Highlights

Indigenous Tourism Association of Canada

- > Corporate commercial work
- > Chairing of AGMs
- > Review of industry agreements

Northern Gateway Pipelines Project

- > Lead negotiator for 7 years
- > Energy, regulatory, environmental consultation and engagement
- > Impact and benefits agreement work and negotiations